

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAR 28 '25 4:40 PM USDC

PAUL JONES,

Plaintiff,

v.

MONTACHUSETT REGIONAL
TRANSIT

AURTHORITY et al.

Defendant.

CIVIL ACTION NOS.

1:19-cv-11093

1:20-cv-12076

4:19-cv-11093

**PLAINTIFF'S MOTION TO AMEND PLEADINGS PURSUANT TO FIRST
CIRCUIT REMAND AND FEBRUARY 27, 2025, CONSOLIDATION ORDER**

NOW COMES the Plaintiff, and respectfully moves this Honorable Court for leave to file a
Third Amended Complaint in accordance with:

1. The First Circuit Court of Appeals' Order dated November 23, 2023, which reversed and remanded the above-captioned matters for further proceedings; and
2. The District Court's Order dated February 27, 2025, directing the consolidation of Civil Action Nos. 1:19-cv-11093 and 1:20-cv-12076, plaintiff now submits a single operative complaint for purposes of summary judgment.

This amendment is being submitted expressly for the purpose of ensuring that all parties and the Court have a clear and unified governing pleading to reference in connection with summary judgment briefing, and to ensure that the record reflects the operative factual and legal claims under the applicable standard.

On February 27, 2025, the court stated ordered that “Parties agree that HB Software Solutions is no longer a party to the case. Court sets the following dates: Dispositive Motions due by 4/2/2025. Responses due 4/30/2025. Court will provide counsel and parties with remaining claims” but as of March 28, 2025, the court has not informed the parties of the remaining claims and the plaintiff filed an emergency motion for clarification on the remaining claims on March 6, 2025, as on today March 28, 2025 plaintiff has not received an answer to his motion for clarification. Plaintiff believes it is in the best interest of the court and the parties to file a Third Amended Complaint to reflect the remaining claims and to remove the parties that was dropped from the case and to reflect the First Circuits Reverse & Remand November 23, 2023, order.

The plaintiff has cut the Third Amended Complaint in half from 60 pages to 30 pages for more clarity and did not add any new counts.

This consolidated civil action seeks damages and injunctive relief based on the following causes of action:

- Discrimination and Retaliation in Violation of M.G.L. c. 151B, §§ 4(4) and 4(4A);
- Intentional Infliction of Emotional Distress under Massachusetts common law; and
- Violations of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(1)(A)(iii), including the use of an Automatic Telephone Dialing System and

artificial/prerecorded voice messages directed to Plaintiff's personal cell phone without consent and during restricted calling hours, including calls placed before 8:00 a.m..

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Grant leave to file the attached Third Amended Complaint;
2. Deem it the operative pleading for summary judgment and all future proceedings; and
3. Grant such further relief as this Court deems just and proper.

Respectfully submitted,

Paul Jones /s/ Paul Jones

March 28, 2025

79 Thompson Street

Springfield, Ma 01109

617-939-5417

Pj22765@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 28 day of March 2025, a true and correct copy of the foregoing Plaintiff's Motion to Amend Pleadings Pursuant to First Circuit Remand and Consolidation Order was served upon all parties of record via the Court's Electronic Case Filing (ECF) system and/or by first-class via email, to the following:

Respectfully submitted,

Plaintiffs Name

Paul Jones /s/ Paul Jones

March 28, 2025

79 Thompson Street

Springfield, Ma 01109

617-939-5417

Pj22765@gmail.com

Mark R. Reich

Deborah I. Ecker

KP Law, P.C.

101 Arch Street, 12th Floor

Boston, MA 02110-1109

(617) 556-0007

mreich@k-plaw.com

decker@k-plaw.com